

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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IN THE MATTER OF THE COMPLAINT

of

Case No. 1:17-cv-168 (MAD/CFH)

TAPPAN ZEE CONSTRUCTORS, LLC,
as owner of 2007 Lobell Boat, Serial Number
L0A11504J607, FOR EXONERATION FROM
OR LIMITATION OF LIABILITY,

MEMORANDUM OF LAW

Petitioner.
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**CLAIMANT'S MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO VACATE INJUNCTION**

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ARGUMENT

This memorandum of law is submitted by Claimant, Timothy Marion, in support of his motion to lift the the stay by an Order of this Court dated March 17, 2017, which enjoined the said Claimant's action in the New York State Supreme Court, in and for the County of Ulster, captioned, "Timothy Marion against Tappan Zee Constructors, LLC, et al.," Index No. 2180/16.

The Claimant, Timothy Marion, is a "single claimant" herein, entitled to the relief requested by the within motion, to lift this Court's stay and vacate the injunction of the pending aforementioned state court action.

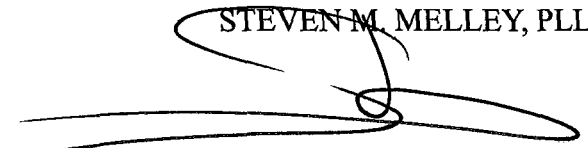
The Claimant, Timothy Marion's Stipulations, filed with this Court on April 25, 2017, are sufficient to allow the said claimant to pursue his state court remedies at law, subject to Claimant's said Stipulations which adequately protect the vessel owner's rights to limitation and preserve this Court's exclusive jurisdiction to determine and decide all limitation issues. ¹

CONCLUSION

Respectfully, this Court must grant the within motion.

Dated: April 28, 2017
Rhinebeck, New York

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¹ See, *Dammers & Vanderheide & Scheepvaart Maats Christina v Corona*, 836 F. 2d 750 [2nd Cir. 1988], and *Beiswinger v Carletta*, 86 F. 3d 1032 [11th Cir. 1996]; *Texaco, Inc. v Williams*, 475 F. 3d 765 [5th Cir. 1995].